

## REMARKS

Claims 1, 14, 20, 27, 32 and 33 have been amended, and claim 31 cancelled without prejudice.

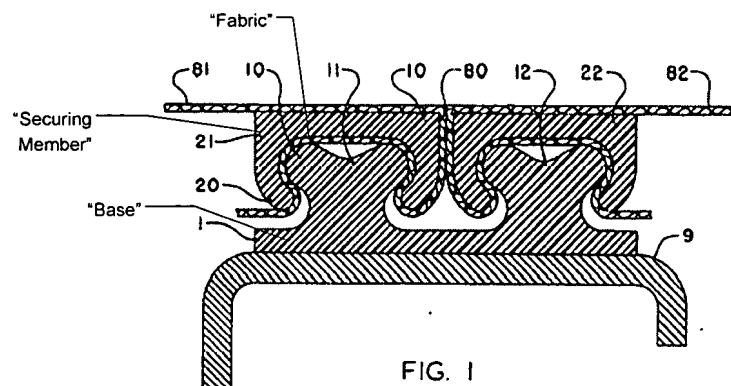
### Claim Objections

Claim 27 has been amended to read "enlarged edge portion" as suggested by the Examiner. The Applicant respectfully submits that the Examiner's objection to claim 27 has thereby been overcome and notice to that effect is earnestly solicited.

### Rejections Under 35 U.S.C. § 102

Claims 20, 21, and 24-27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,526,912 to Swanson. Claim 20 has been amended to recite that the fabric piece "is not disposed between the rounded edge portion of the base element and the first securing member." As such, the fabric is not trapped between the first securing member and the base element, which adds another layer and can add to the bulk of the assembly.

In contrast, the apparatus in Swanson, as applied by the Examiner, discloses a base element 1 with a securing member 21, where fabric 81 is attached to the securing member 21.



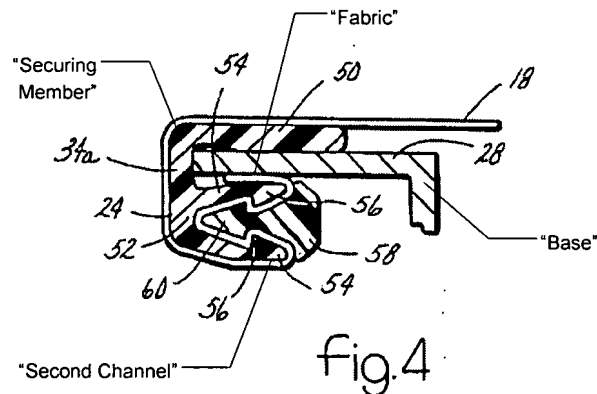
As clearly disclosed in Figure 1, the fabric 81 is disposed *between* the base element 1 and the securing member 21 and therefore does not include all of the elements contained in claim 20. Indeed, the entire premise of Swanson is to "enwrap" the strips 21 and 22 with the fabric, such that the "fabric lies about the interior wall of the channel" of the strips (Swanson at Col. 3, lines 15-74). As expressly disclosed by Swanson, "the dimensions and proportions of the elements must be governed with some regard to the thickness of the fabric which is to be *interposed between them*" (Swanson at Col. 3, lines 71-74). Thus, claim 20 and dependent claims 21 and 24-27 are not anticipated by Swanson.

### **Rejections Under 35 U.S.C. § 103**

#### **A. Claims 14, 16, and 17 Stand Rejected Under 35 U.S.C. § 103(a)**

Claims 14, 16, and 17 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,723,816 to Selbert in view of U.S. Patent No. 1,594,282 to Trimble. Claims 16 and 17 depend from amended claim 14. As amended, claim 14 requires, in part, that the "fabric piece is not disposed between the base element and the securing member."

According to the Examiner, Selbert, as shown below, discloses a furniture component with a base element 28 with an edge portion, a securing member 24 and a fabric piece 18 disposed around the outer surface of the securing member and within the second channel 54.



Trimble, according to the Examiner, discloses a furniture component that has an edge portion 2 that has a thickness greater than the base element.

Even if the references are properly combined, Selbert and Trimble do not teach or suggest all of the elements present in claim 14. Specifically, the combination of Selbert and Trimble requires, at a minimum, the fabric to be disposed between the base component and the securing member, as shown in Figure 4 above.

Applicants note that the Examiner has not applied the other embodiment of Selbert shown in Figure 2, and rightfully so. In particular, the J-strip 34 of the embodiment shown in Figure 2 of Selbert, which has a channel receiving the flange 28, does not have a second channel receiving the web 18. Accordingly, that embodiment of Selbert, even if combined with Trimble, also does not show all of the elements of claim 14.

Accordingly, Selbert and Trimble do not teach or disclose all of the limitations found in claim 14, or claims 16 and 17 depending therefrom. For at least these reasons, reconsideration is respectfully solicited.

B. Claims 1, 8, 9, 11-13, 19-22, 24, 25, 29-31, 34, and 36-39 Stand Rejected Under 35 U.S.C. § 103(a)

Claims 1, 8, 9, 11-13, 19-22, 24, 25, 29-31, 34, and 36-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Selbert in view of Trimble and in further view of U.S. Patent No. 6,478,381 to Cramb. Claim 31 has been cancelled without prejudice. Moreover, the combination of Selbert and Trimble was discussed above, and will not be repeated herein. Applicant respectfully submits that Cramb does not supply any of the deficiencies of Selbert and Trimble. Indeed, Cramb expressly discloses that the fabric is disposed *between* the frame member 34 and the bolster 48 (Cramb at Col. 4, lines 10-22). Accordingly, the Examiner's rejections should be withdrawn on this basis alone.

Moreover, according to the Examiner, Selbert lacks a second securing member with first and second arms. The Examiner contends that a second securing member is disclosed in Cramb. Cramb is directed towards a furniture component and, according to

the Examiner, discloses a base element 34 with a securing member 48 with first and second arms disposed around a fabric piece 40.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the furniture component of Selbert to include a second securing member, as disclosed in Cramb, with the fabric piece secured between the first and second securing members.

Applicant submits that it is improper to combine Selbert and Cramb. Selbert does not provide any reason why it would be obvious to replace the foam material, shown in Figure 3 below, with the securing member 48 disclosed in Cramb. Indeed, the specification of Selbert praises fibrous nature of foam and how the foam and fabric "coact to yieldably resist seating loads." (Selbert at Col. 1, lines 15-19). Moreover, because the foam body is molded onto the fabric, all of the fibers and filaments of the fabric are locked together to avoid areas of stress concentration, and the "foam also functions to shrink the web 18 to further induce tension in the web 18 and insure its ability to comfortably resist seating loads." (Selbert at Col. 3, lines 16-23).

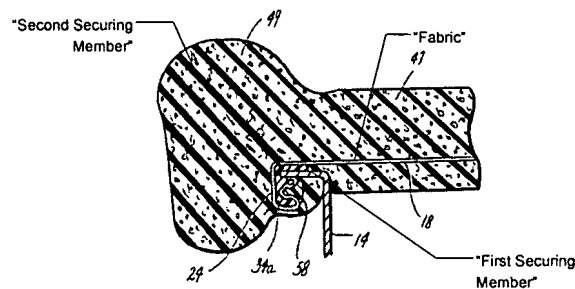
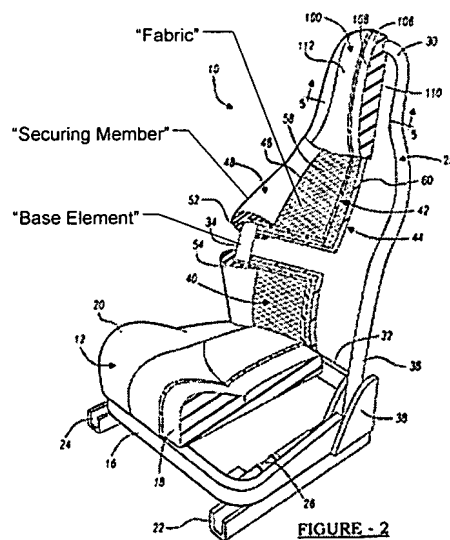


Fig. 3

In contrast, the "securing member" of Cramb, as shown below, does not cover all of the fabric portion as taught by Selbert. Accordingly, the benefits of the foam body of Selbert are lost by the addition of the "bolster" of Cramb, and, therefore, would not have been obvious to one skilled in the art at the time of the invention to combine the "securing member" of Cramb with Selbert.



Even if the references are properly combined, Selbert, Trimble, and Cramb do not teach or suggest all of the elements present in claims 1, 8, 9, 11-13, 19-22, 24, 25, 29-31, 34, and 36-39.

Claims 8, 9, 11, 12, and 13 all depend from claim 1. Claim 1 requires, in part, “a first securing member . . . with the first and second arms on opposite sides of the base element” where “the fabric piece is not disposed between the enlarged edge portion of the base element and the first securing member,” and where “a second securing member compris[es] a first arm, a second arm, and a second channel therebetween, wherein an entirety of the first securing member is removeably disposed within the second channel . . . , with the fabric member releasably secure between the first arms of the first securing member and the first arm of the second securing member.”

The proposed combination of Selbert, Trimble, and Cramb, do not, taken alone or in combination, teach or disclose all of the elements of the proposed invention. Specifically, the proposed combination does not disclose or suggest a “first securing member . . . removeably disposed within a second channel,” a “fabric member releasably secure[d]” between the first and second securing members, or that the “fabric piece is not disposed between the base element and first securing member.”

At the outset, Applicant notes that the foam body 47 of Selbert is not removeable. Moreover, Cramb discloses that the bolsters 48, 50 are fixedly secured to opposite faces of the sock 40, for example by sewing (Cramb at Col. 4, lines 10-45). That construction would not be possible with Selbert, however, since any bolster cannot surround the upright web 26 of Selbert so as to lie adjacent a back side of the web 18 for such securing.

Moreover, even if the bolsters of Cramb are substituted for the foam 47 of Selbert, which is not suggested by the references, the combined references teach that the bolsters are *fixedly* secured to the fabric, such that any securing member (strip 34a) would be trapped therebetween and not removeably disposed in the bolster, and without the fabric being releasably secured therebetween.

Therefore, claim 1 is allowable, as are claims 8, 9, 11, 12, and 13 depending therefrom. For at least these reasons, reconsideration is respectfully solicited.

Next, claims 15 and 19 depend from independent claim 14, which now recites that the fabric piece "is not disposed between the base element and the securing member." As discussed with respect to independent claim 1 above, the proposed combination of Selbert, Trimble, and Cramb, does not teach or disclose this limitation. Accordingly, claim 14 is in allowable condition, as are claims 15 and 19 depending therefrom.

Claims 21, 22, 24, 25, 29, and 30 all depend from independent claim 20, which recites that "the fabric is not disposed between the rounded edge portion of the base element and the securing member." As discussed above, the proposed combination of Selbert, Trimble, and Cramb, does not teach or disclose this element. Accordingly, claim 20 is in allowable condition. Claims 21, 22, 24, 25, 29, and 30 all depend from claim 20 and therefor their allowability directly follows from the allowability of claim 20.

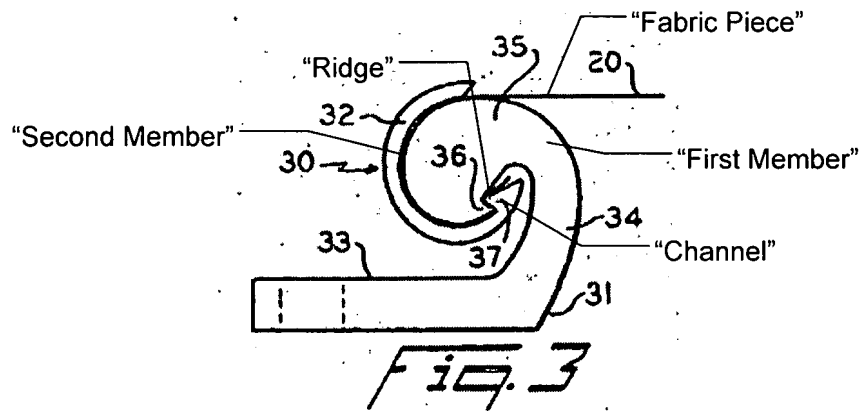
Claim 36 depends from claim 34, which relates to a method of attaching a piece of fabric to a furniture component, and requires, "disposing a piece of fabric around a least a portion of the first securing member, where the fabric is not disposed between

the enlarged edge of the base member and the first securing member.” As discussed previously, the proposed combination of Selbert, Trimble, and Cramb, discloses fabric between the edge portion and the securing member. Accordingly claim 34, and also claim 36, are in allowable condition.

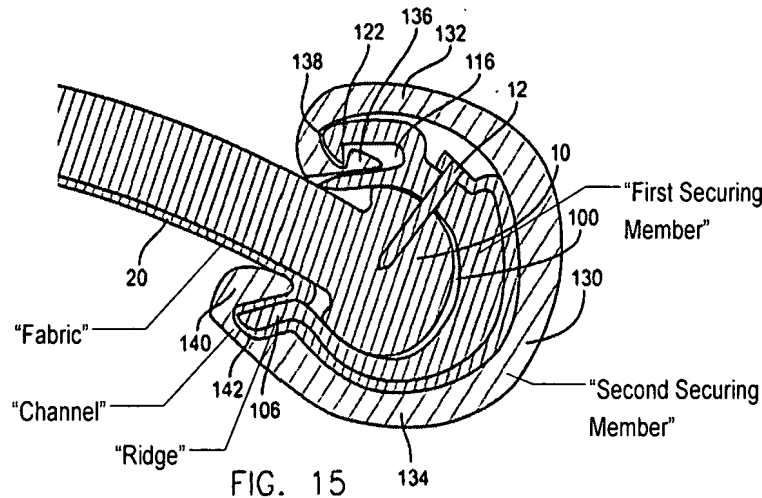
Claims 38 and 39 depend from amended claim 37, which relates to a method of attaching a piece of fabric to a chair, and requires “disposing a second securing member around the first securing member with the piece of fabric secured between the first securing member and the second securing member, where the piece of fabric is not disposed between the enlarged edge portion of the chair and the first securing member.” The proposed combination of Selbert, Trimble, and Cramb, discloses fabric disposed between edge portion and the “securing member.” This combination does not teach or disclose all of the steps required by claim 37, and therefore claim 37 is in allowable condition. Because claims 38 and 39 depend from claim 37, they are also in allowable condition. Reconsideration is respectfully solicited.

C. Claims 2-4, 10, 32, 33, and 35 Stand Rejected Under 35 U.S.C. § 103(a)

Claims 2-4, 10, 32, 33, and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Selbert in view of Cramb and further in view of Cuddeback. The combination of Selbert and Cramb, was discussed above and will not repeated here. According to the Examiner, Cuddeback, as shown below, is directed towards a furniture component which discloses a first member 35 with a ridge 36, a second member 32 with a channel 37, and a fabric piece 20 disposed around the first member 35.



The Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the furniture component of Selbert to include another ridge and channel configuration as shown in Cuddeback to hold the first and second securing members in connection, as shown in Figure 15 below.



As discussed above, the Applicant submits that the combination of Selbert and Cramb, is improper. The Applicant further submits that the addition of Cuddeback is also improper. The Examiner has failed to give a single reason why it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the Selbert and Cramb, with Cuddeback. It is the Examiner's duty to



establish a *prima facie* case of obviousness. MPEP § 2142. As an initial matter, Selbert and Cramb, are directed towards furniture components whereas Cuddeback is directed towards a beaded fastener device for windows or other building openings. Accordingly, one would not have been motivated to combine references from two distinct areas of technology.

In addition, assuming *arguendo* that the combination is proper, the Applicant submits that despite the addition of Cuddeback, the proposed combination still does not teach or disclose all of the elements present in claims 2-4, 10, 32, 33, and 35.

Claims 2-4 and 10 depend from claim 1. Amended claim 1, as discussed previously, requires that “the fabric piece is not disposed between the enlarged edge portion of the base element and the first securing member; and a releasable second securing member comprising a first arm, a second arm, and a second channel therebetween, wherein an entirety of the first securing member is disposed within the second channel . . . .”

The addition of Cuddeback does not remedy the deficiencies of Selbert and Cramb, namely that the fabric is not disposed between the base element and the first securing member and that the second securing member is releasably secured to the first securing member. Accordingly, claim 1 is in allowable condition. Claims 2-4 and 10 are dependent from claim 1, and therefore their allowability directly follows from claims 1. The Applicant respectfully requests withdrawal of this rejection.

Claim 32 requires a “releasable” connection between the first and second securing members, a limitation, as discussed above that is not taught or disclosed in the proposed combination. Indeed, both Selbert and Cramb expressly disclose fixedly securing the second securing member to the fabric and/or first securing member. Accordingly claim 32, and claim 33, which is dependent from claim 32, are in allowable condition.

Claim 35 is dependent from amended claim 34. As discussed above, Selbert and Cramb, taken alone or in proper combination, to not teach or disclose all of the

elements contained in claim 34. The addition of Cuddeback does not cure the deficiencies found in Selbert and Cramb. Specifically, the addition of Cuddeback fails to teach or disclose that the "fabric is not disposed between the enlarged edge of the base member and the first securing member." Accordingly, the Applicant submits that claim 34 is in allowable condition. The allowability of claim 35 directly follows from the allowability of claim 34. The Applicant respectfully requests withdrawal of this rejection.

D. Claims 5-7 Stand Rejected Under 35 U.S.C. § 103(a)

Claims 5-7 are rejected under 35 U.S.C. § 103(a) as being obvious over Selbert, as modified in view of Cramb, and further in view of U.S. Patent No. 3,423,775 to Cockerill. Claims 5-7 depend from amended claim 1. The proposed combination of Selbert and Cramb, was discussed above with respect to claim 1 and contained a number of deficiencies, which are not now cured by the addition of Cockerill.

The Examiner has not provided a single reason why it would be proper to combine Cockerill with Selbert and Cramb. The Examiner has not presented a *prima facie* case of obviousness and therefore the combination is improper. MPEP § 2142.

Assuming *arguendo* that the combination is proper, the references still do not teach or disclose a "releasable" connection between the first and second securing members," or that the fabric is "not disposed between the enlarged edge portion of the base element and the first securing member" as required by amended claim 1. Cockerill is directed towards means for fixing a seat cover to a seat, but does not teach or disclose the features of the second securing member or the location of the fabric. Accordingly, claim 1 is in allowable condition, and claims 5-7, which are dependent from claim 1, are also in allowable condition. The Applicant respectfully requests withdrawal of this rejection.

E. Claim 18 Stands Rejected Under 35 U.S.C. § 103(a)

Claim 18 is rejected under 35 U.S.C. § 103(a) as being obvious over Selbert in view of Trimble and in further view of U.S. Patent No. 5,586,807 to Taggart. Claim 18

depends from claim 14. Selbert and Trimble were previously addressed with respect to claim 14 and as discussed above, did not teach or disclose all of the elements required by claim 14.

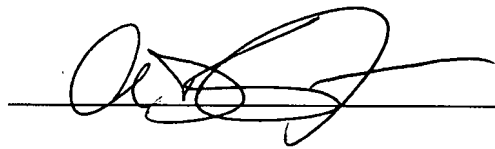
The Examiner has failed to provide a single reason why it would have been obvious to combine the teachings of Taggart with Selbert and Trimble. In fact, the Applicant submits that the combination is improper due to the fact that Taggart is directed towards a vehicle seat cover retainer which secures a trim cover around a seatback portion. To retain the cover, the retainer has two channels which openings that are at least 180° apart from one another. (Abstract). Selbert, conversely, discloses a mounting system to secure a piece of fabric across a frame, as opposed to *around* the frame. Accordingly, the function of the two attachment devices are significantly distinct and would not have been obvious to one skilled in the art at the time the invention was made to combine these references. Accordingly, the Applicant requests withdrawal of this rejection.

Assuming *arguendo* that the combination is proper, Selbert, Trimble, and now Taggart still do not, alone or in combination, teach or disclose all of the elements contained in claim 14. Claim 14 requires that the "fabric piece is not disposed between the base element and the securing member." The addition of the first and second channels of Taggart to the combination of Selbert and Trimble does not cure this deficiency. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

### CONCLUSION

If the Examiner has any remaining issues, he is invited to contact the undersigned attorney for the Applicant via telephone if such communication would expedite the allowance of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew D. Stover', is written over a horizontal line.

Registration No. Andrew D. Stover  
Registration No. 38,629  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200